

1 **INTERSTATE COMPACT ON MILITARY CHILDREN AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

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5 **LONG TITLE**

6 **General Description:**

7 This bill extends the compact coverage to all full-time uniformed services members.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ eliminates the requirement that National Guard and Reserve members be on orders
- 11 pursuant to Title 10, U.S.C. in order to qualify for coverage under the compact; and
- 12 ▶ restructures and makes technical amendments for readability.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

- 19 **53A-3-402**, as last amended by Laws of Utah 2016, Chapter 144
- 20 **53A-11-302**, as last amended by Laws of Utah 2010, Chapter 395
- 21 **53A-11-504**, as last amended by Laws of Utah 2010, Chapter 395

22 ENACTS:

- 23 **53A-1-1000**, Utah Code Annotated 1953
- 24 **53A-1-1004**, Utah Code Annotated 1953
- 25 **53A-1-1005**, Utah Code Annotated 1953
- 26 **53A-1-1006**, Utah Code Annotated 1953
- 27 **53A-1-1007**, Utah Code Annotated 1953
- 28 **53A-1-1008**, Utah Code Annotated 1953
- 29 **53A-1-1009**, Utah Code Annotated 1953
- 30 **53A-1-1010**, Utah Code Annotated 1953
- 31 **53A-1-1011**, Utah Code Annotated 1953

32           **53A-1-1012**, Utah Code Annotated 1953  
 33           **53A-1-1013**, Utah Code Annotated 1953  
 34           **53A-1-1014**, Utah Code Annotated 1953  
 35           **53A-1-1015**, Utah Code Annotated 1953  
 36           **53A-1-1016**, Utah Code Annotated 1953  
 37           **53A-1-1017**, Utah Code Annotated 1953  
 38           **53A-1-1018**, Utah Code Annotated 1953  
 39           **53A-1-1019**, Utah Code Annotated 1953  
 40           **53A-1-1020**, Utah Code Annotated 1953

41 REPEALS AND REENACTS:

42           **53A-1-1001**, as enacted by Laws of Utah 2010, Chapter 395  
 43           **53A-1-1002**, as last amended by Laws of Utah 2014, Chapter 387  
 44           **53A-1-1003**, as enacted by Laws of Utah 2010, Chapter 395

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46 *Be it enacted by the Legislature of the state of Utah:*

47           Section 1. Section **53A-1-1000** is enacted to read:

48           **Part 10. Interstate Compact on Educational Opportunity for Military Children**

49           **53A-1-1000. Title -- Interstate Compact on Educational Opportunity for Military**  
 50 **Children.**

51           This part is known as the Interstate Compact on Educational Opportunity for Military  
 52 Children.

53           Section 2. Section **53A-1-1001** is repealed and reenacted to read:

54           **53A-1-1001. Article I -- Purpose.**

55           It is the purpose of this compact to remove barriers to educational success imposed on  
 56 children of military families because of frequent moves and deployment of their parents by:

57           (1) facilitating the timely enrollment of children of military families and ensuring that  
 58 they are not placed at a disadvantage due to difficulty in the transfer of education records from  
 59 the previous school district or variations in entrance or age requirements;

60           (2) facilitating the student placement process through which children of military  
 61 families are not disadvantaged by variations in attendance requirements, scheduling,  
 62 sequencing, grading, course content, or assessment;

63 (3) facilitating the qualification and eligibility for enrollment, educational programs,  
64 and participation in extracurricular academic, athletic, and social activities;

65 (4) facilitating the on-time graduation of children of military families;

66 (5) providing for the promulgation and enforcement of administrative rules  
67 implementing the provisions of this compact;

68 (6) providing for the uniform collection and sharing of information between and among  
69 member states, schools, and military families under this compact;

70 (7) promoting coordination between this compact and other compacts affecting military  
71 children; and

72 (8) promoting flexibility and cooperation between the educational system, parents, and  
73 the student in order to achieve educational success for the student.

74 Section 3. Section **53A-1-1002** is repealed and reenacted to read:

75 **53A-1-1002. Article II -- Definitions.**

76 As used in this compact, unless the context clearly requires a different construction:

77 (1) "Active duty" means full-time duty status in the active uniformed service of the  
78 United States, including members of the National Guard and Reserve.

79 (2) "Children of military families" means a school-aged child, enrolled in Kindergarten  
80 through Twelfth grade, in the household of an active duty member.

81 (3) "Compact commissioner" means the voting representative of each compacting state  
82 appointed pursuant to Article VIII of this compact.

83 (4) "Deployment" means the period one month prior to the service members' departure  
84 from their home station on military orders though six months after return to their home station.

85 (5) "Education" or "educational records" means those official records, files, and data  
86 directly related to a student and maintained by the school or local education agency, including  
87 but not limited to records encompassing all the material kept in the student's cumulative folder  
88 such as general identifying data, records of attendance and of academic work completed,  
89 records of achievement and results of evaluative tests, health data, disciplinary status, test  
90 protocols, and individualized education programs.

91 (6) "Extracurricular activities" means a voluntary activity sponsored by the school or  
92 local education agency or an organization sanctioned by the local education agency.

93 Extracurricular activities include, but are not limited to, preparation for and involvement in

94 public performances, contests, athletic competitions, demonstrations, displays, and club  
95 activities.

96 (7) "Interstate Commission on Educational Opportunity for Military Children" means  
97 the commission that is created in Section 53A-1-1009 and generally referred to as Interstate  
98 Commission.

99 (8) "Local education agency" means a public authority legally constituted by the state  
100 as an administrative agency to provide control of and direction for Kindergarten through  
101 Twelfth grade public educational institutions.

102 (9) "Member state" means a state that has enacted this compact.

103 (10) "Military installation" means a base, camp, post, station, yard, center, homeport  
104 facility for any ship, or other activity under the jurisdiction of the Department of Defense,  
105 including any leased facility, which is located within any of the several states, the District of  
106 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American  
107 Samoa, the Northern Marianas Islands, and any other U.S. Territory. The term does not include  
108 any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

109 (11) "Non-member state" means a state that has not enacted this compact.

110 (12) "Receiving state" means the state to which a child of a military family is sent,  
111 brought, or caused to be sent or brought.

112 (13) "Rule" means a written statement by the Interstate Commission promulgated  
113 pursuant to Section 53A-1-1012 that is of general applicability, implements, interprets, or  
114 prescribes a policy or provision of the compact, or an organizational, procedural, or practice  
115 requirement of the Interstate Commission, and has the force and effect of a rule promulgated  
116 under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
117 includes the amendment, repeal, or suspension of an existing rule.

118 (14) "Sending state" means the state from which a child of a military family is sent,  
119 brought, or caused to be sent or brought.

120 (13) "State" means a state of the United States, the District of Columbia, the  
121 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern  
122 Marianas Islands, and any other U.S. Territory.

123 (14) "Student" means the child of a military family for whom the local education  
124 agency receives public funding and who is formally enrolled in Kindergarten through Twelfth

125 grade.

126 (15) "Transition" means:

127 (a) the formal and physical process of transferring from school to school; or (b) the  
128 period of time in which a student moves from one school in the sending state to another school  
129 in the receiving state.

130 (16) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.

131 (17) "Veteran" means a person who served in the uniformed services and who was  
132 discharged or released therefrom under conditions other than dishonorable.

133 Section 4. Section **53A-1-1003** is repealed and reenacted to read:

134 **53A-1-1003. Article III -- Applicability.**

135 (1) Except as otherwise provided in Subsection (3), this compact shall apply to the  
136 children of:

137 (a) active duty members of the uniformed services as defined in this compact,  
138 including members of the National Guard and Reserve;

139 (b) members or veterans of the uniformed services who are severely injured and  
140 medically discharged or retired for a period of one year after medical discharge or retirement;  
141 and

142 (c) members of the uniformed services who die on active duty or as a result of injuries  
143 sustained on active duty for a period of one year after death.

144 (2) The provisions of this interstate compact shall only apply to local education  
145 agencies as defined in this compact.

146 (3) The provisions of this compact do not apply to the children of:

147 (a) inactive members of the national guard and military reserves;

148 (b) members of the uniformed services now retired, except as provided in Subsection  
149 (1); and

150 (c) veterans of the uniformed services, except as provided in Subsection (1), and other  
151 U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not  
152 defined as active duty members of the uniformed services.

153 Section 5. Section **53A-1-1004** is enacted to read:

154 **53A-1-1004. Article IV -- Educational Records and Enrollment -- Immunizations**  
155 **-- Grade level entrance.**

156 (1) Unofficial or "hand-carried" education records. In the event that official education  
157 records cannot be released to the parents for the purpose of transfer, the custodian of the  
158 records in the sending state shall prepare and furnish to the parent a complete set of unofficial  
159 educational records containing uniform information as determined by the Interstate  
160 Commission. Upon receipt of the unofficial education records by a school in the receiving  
161 state, the school shall enroll and appropriately place the student based on the information  
162 provided in the unofficial records pending validation by the official records, as quickly as  
163 possible.

164 (2) Official education records or transcripts. Simultaneous with the enrollment and  
165 conditional placement of the student, the school in the receiving state shall request the student's  
166 official education record from the school in the sending state. Upon receipt of this request, the  
167 school in the sending state will process and furnish the official education records to the school  
168 in the receiving state within 10 days or within such time as is reasonably determined under the  
169 rules promulgated by the Interstate Commission.

170 (3) Immunizations. Compacting states shall give 30 days from the date of enrollment or  
171 within such time as is reasonably determined under the rules promulgated by the Interstate  
172 Commission, for students to obtain any immunization required by the receiving state. For a  
173 series of immunizations, initial vaccinations must be obtained within 30 days or within such  
174 time as is reasonably determined under the rules promulgated by the Interstate Commission.

175 (4) Kindergarten and First grade entrance age. Students shall be allowed to continue  
176 their enrollment at grade level in the receiving state commensurate with their grade level,  
177 including Kindergarten, from a local education agency in the sending state at the time of  
178 transition, regardless of age. A student that has satisfactorily completed the prerequisite grade  
179 level in the local education agency in the sending state shall be eligible for enrollment in the  
180 next highest grade level in the receiving state, regardless of age. Students transferring after the  
181 start of the school year in the receiving state shall enter the school in the receiving state on their  
182 validated level from an accredited school in the sending state.

183 Section 6. Section **53A-1-1005** is enacted to read:

184 **53A-1-1005. Article V -- Course placement -- Attendance -- Special education**  
185 **services -- Flexibility -- Absences related to deployment.**

186 (1) When the student transfers before or during the school year, the receiving state

187 school shall initially honor placement of the student in educational courses based on the  
188 student's enrollment in the sending state school and/or educational assessments conducted at  
189 the school in the sending state if the courses are offered. Course placement includes but is not  
190 limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and  
191 career pathways courses. Continuing the student's academic program from the previous school  
192 and promoting placement in academically and career challenging courses should be paramount  
193 when considering placement. This does not preclude the school in the receiving state from  
194 performing subsequent evaluations to ensure appropriate placement and continued enrollment  
195 of the student in the course.

196 (2) The receiving state school shall initially honor placement of the student in  
197 educational programs based on current educational assessments conducted at the school in the  
198 sending state or participation or placement in like programs in the sending state. Such programs  
199 include, but are not limited to gifted and talented programs and English as a Second Language  
200 (ESL). This does not preclude the school in the receiving state from performing subsequent  
201 evaluations to ensure appropriate placement of the student.

202 (3) (a) In compliance with the federal requirements of the Individuals with Disabilities  
203 Education Act (IDEA), 20 U.S.C. Section 1400 et seq., the receiving state shall initially  
204 provide comparable services to a student with disabilities based on the student's current  
205 Individualized Education Program (IEP).

206 (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29  
207 U.S.C. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.  
208 Sections 12131-12165, the receiving state shall make reasonable accommodations and  
209 modifications to address the needs of incoming students with disabilities, subject to an existing  
210 504 or Title II Plan, to provide the student with equal access to education. This does not  
211 preclude the school in the receiving state from performing subsequent evaluations to ensure  
212 appropriate placement of the student.

213 (4) Local education agency administrative officials shall have flexibility in waiving  
214 course or program prerequisites, or other preconditions for placement, in courses or programs  
215 offered under the jurisdiction of the local education agency.

216 (5) A student whose parent or legal guardian is an active duty member of the  
217 uniformed services, as defined by the compact, and has been called to duty for, is on leave

218 from, or immediately returned from deployment to a combat zone or combat support posting,  
219 shall be granted additional excused absences at the discretion of the local education agency  
220 superintendent to visit with his or her parent or legal guardian relative to such leave or  
221 deployment of the parent or guardian.

222 Section 7. Section **53A-1-1006** is enacted to read:

223 **53A-1-1006. Article VI -- Eligibility -- Enrollment -- Extracurricular activities.**

224 (1) Special power of attorney, relative to the guardianship of a child of a military  
225 family and executed under applicable law, shall be sufficient for the purposes of enrollment  
226 and all other actions requiring parental participation and consent.

227 (2) A local education agency shall be prohibited from charging local tuition to a  
228 transitioning military child placed in the care of a non-custodial parent or other person standing  
229 in loco parentis who lives in a jurisdiction other than that of the custodial parent.

230 (3) A transitioning military child, placed in the care of a non-custodial parent or other  
231 person standing in loco parentis who lives in a jurisdiction other than that of the custodial  
232 parent, may continue to attend the school in which the student was enrolled while residing with  
233 the custodial parent.

234 (4) State and local education agencies shall facilitate the opportunity for transitioning  
235 military children's inclusion in extracurricular activities, regardless of application deadlines, to  
236 the extent they are otherwise qualified.

237 Section 8. Section **53A-1-1007** is enacted to read:

238 **53A-1-1007. Article VII -- Graduation -- Waiver -- Exit exams -- Senior year**  
239 **transfers.**

240 In order to facilitate the on-time graduation of children of military families, states and  
241 local education agencies shall incorporate the following procedures:

242 (1) Local education agency administrative officials shall waive specific courses  
243 required for graduation if similar coursework has been satisfactorily completed in another local  
244 education agency or shall provide reasonable justification for denial. Should a waiver not be  
245 granted to a student who would qualify to graduate from the sending school, the local education  
246 agency shall provide an alternative means of acquiring required coursework so that graduation  
247 may occur on time.

248 (2) States shall accept:

249 (a) exit or end-of-course exams required for graduation from the sending state;  
 250 (b) national norm-referenced achievement tests; or  
 251 (c) alternative testing, in lieu of testing requirements for graduation in the receiving  
 252 state. In the event the above alternatives cannot be accommodated by the receiving state for a  
 253 student transferring in the student's Senior year, then the provisions of Subsection (3) shall  
 254 apply.

255 (3) Should a military student transferring at the beginning or during the student's  
 256 Senior year be ineligible to graduate from the receiving local education agency after all  
 257 alternatives have been considered, the sending and receiving local education agencies shall  
 258 ensure the receipt of a diploma from the sending local education agency, if the student meets  
 259 the graduation requirements of the sending local education agency. In the event that one of the  
 260 states in question is not a member of this compact, the member state shall use best efforts to  
 261 facilitate the on-time graduation of the student in accordance with Subsections (1) and (2).

262 Section 9. Section **53A-1-1008** is enacted to read:

263 **53A-1-1008. Article VIII -- State Coordination -- Membership of state council.**

264 (1) Each member state shall, through the creation of a State Council or use of an  
 265 existing body or board, provide for the coordination among its agencies of government, local  
 266 education agencies, and military installations concerning the state's participation in, and  
 267 compliance with, this compact and Interstate Commission activities. While each member state  
 268 may determine the membership of its own State Council, its membership shall include at least:

269 (a) the state superintendent of education;  
 270 (b) a superintendent of a school district with a high concentration of military children;  
 271 (c) a representative from a military installation;  
 272 (d) one representative each from the legislative and executive branches of government;  
 273 and  
 274 (e) other offices and stakeholder groups the State Council considers appropriate.

275 (2) A member state that does not have a school district that contains a high  
 276 concentration of military children may appoint a superintendent from another school district to  
 277 represent local education agencies on the State Council.

278 (3) The State Council of each member state shall appoint or designate a military family  
 279 education liaison to assist military families and the state in facilitating the implementation of

280 this compact.

281 (4) The compact commissioner responsible for the administration and management of  
282 the state's participation in the compact shall be appointed by the Governor or as otherwise  
283 determined by each member state.

284 (5) The compact commissioner and the designated military family education liaison  
285 shall be ex-officio members of the State Council, unless either is already a full voting member  
286 of the State Council.

287 Section 10. Section **53A-1-1009** is enacted to read:

288 **53A-1-1009. Article IX -- Creation of Interstate Commission.**

289 (1) The member states hereby create the "Interstate Commission on Educational  
290 Opportunity for Military Children." The activities of the Interstate Commission are the  
291 formation of public policy and are a discretionary state function.

292 (2) The Interstate Commission shall:

293 (a) Be a body corporate and joint agency of the member states and have all the  
294 responsibilities, powers, and duties set forth in this compact, and any additional powers as may  
295 be conferred upon it by a subsequent concurrent action of the respective legislatures of the  
296 member states in accordance with the terms of this compact.

297 (b) Consist of one Interstate Commission voting representative from each member state  
298 who shall be that state's compact commissioner.

299 (i) Each member state represented at a meeting of the Interstate Commission is entitled  
300 to one vote.

301 (ii) A majority of the total member states shall constitute a quorum for the transaction  
302 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

303 (iii) A representative may not delegate a vote to another member state. In the event the  
304 compact commissioner is unable to attend a meeting of the Interstate Commission, the  
305 Governor or State Council may delegate voting authority to another person from their state for  
306 a specified meeting.

307 (iv) The bylaws may provide for meetings of the Interstate Commission to be  
308 conducted by telecommunication or electronic communication.

309 (3) Consist of ex-officio, non-voting representatives who are members of interested  
310 organizations. Such ex-officio members, as defined in the bylaws, may include but not be

311 limited to, members of the representative organizations of military family advocates, local  
312 education agency officials, parent and teacher groups, the U.S. Department of Defense, the  
313 Education Commission of the States, the Interstate Agreement on the Qualification of  
314 Educational Personnel, and other interstate compacts affecting the education of children of  
315 military members.

316 (4) Meet at least once each calendar year. The chairperson may call additional meetings  
317 and, upon the request of a simple majority of the member states, shall call additional meetings.

318 (5) Establish an executive committee, whose members shall include the officers of the  
319 Interstate Commission and other members of the Interstate Commission as determined by the  
320 bylaws. Members of the executive committee shall serve a one-year term. Members of the  
321 executive committee shall be entitled to one vote each. The executive committee shall have the  
322 power to act on behalf of the Interstate Commission, with the exception of rulemaking, during  
323 periods when the Interstate Commission is not in session. The executive committee shall  
324 oversee the day-to-day activities of the administration of the compact including enforcement  
325 and compliance with the provisions of the compact, its bylaws and rules, and other duties  
326 considered necessary. The U.S. Dept. of Defense shall serve as an ex-officio, nonvoting  
327 member of the executive committee.

328 (6) Establish bylaws and rules that provide for conditions and procedures under which  
329 the Interstate Commission shall make its information and official records available to the  
330 public for inspection or copying. The Interstate Commission may exempt from disclosure  
331 information or official records to the extent they would adversely affect personal privacy rights  
332 or proprietary interests.

333 (7) Give public notice of all meetings and all meetings shall be open to the public,  
334 except as set forth in the rules or as otherwise provided in the compact. The Interstate  
335 Commission and its committees may close a meeting, or portion of the meeting, where it  
336 determines by two-thirds vote that an open meeting would be likely to:

337 (a) relate solely to the Interstate Commission's internal personnel practices and  
338 procedures;

339 (b) disclose matters specifically exempted from disclosure by federal and state statute;

340 (c) disclose trade secrets or commercial or financial information which is privileged or  
341 confidential;

- 342 (d) involve accusing a person of a crime, or formally censuring a person;  
343 (e) disclose information of a personal nature where disclosure would constitute a  
344 clearly unwarranted invasion of personal privacy;  
345 (f) disclose investigative records compiled for law enforcement purposes; or  
346 (g) specifically relate to the Interstate Commission's participation in a civil action or  
347 other legal proceeding.
- 348 (8) Cause its legal counsel or designee to certify that a meeting may be closed and shall  
349 reference each relevant exemptible provision for any meeting, or portion of a meeting, which is  
350 closed pursuant to this provision. The Interstate Commission shall keep minutes which fully  
351 and clearly describe all matters discussed in a meeting and provide a full and accurate summary  
352 of actions taken, and the reasons therefore, including a description of the views expressed and  
353 the record of a roll call vote. All documents considered in connection with an action shall be  
354 identified in the minutes. All minutes and documents of a closed meeting shall remain under  
355 seal, subject to release by a majority vote of the Interstate Commission.
- 356 (9) Collect standardized data concerning the educational transition of the children of  
357 military families under this compact as directed through its rules which shall specify the data to  
358 be collected, the means of collection, and data exchange and reporting requirements. Such  
359 methods of data collection, exchange, and reporting shall, as far as is reasonably possible,  
360 conform to current technology and coordinate its information functions with the appropriate  
361 custodian of records as identified in the bylaws and rules.
- 362 (10) Create a process that permits military officials, education officials, and parents to  
363 inform the Interstate Commission if and when there are alleged violations of the compact or its  
364 rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by  
365 the state or local education agency. This section may not be construed to create a private right  
366 of action against the Interstate Commission or any member state.

367 Section 11. Section **53A-1-1010** is enacted to read:

368 **53A-1-1010. Article X -- Powers and duties of the Interstate Commission.**

369 The Interstate Commission shall have the following powers:

- 370 (1) To provide for dispute resolution among member states.  
371 (2) To promulgate rules and take all necessary actions to effect the goals, purposes, and  
372 obligations enumerated in this compact. The rules shall have the force and effect of rules

373 promulgated under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and shall be  
374 binding in the compact states to the extent and in the manner provided in this compact.

375 (3) To issue, upon request of a member state, advisory opinions concerning the  
376 meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

377 (4) To monitor compliance with the compact provisions, the rules promulgated by the  
378 Interstate Commission, and the bylaws. Any action to enforce compliance with the compact  
379 provision by the Interstate Commission shall be brought against a member state only.

380 (5) To establish and maintain offices which shall be located within one or more of the  
381 member states.

382 (6) To purchase and maintain insurance and bonds.

383 (7) To borrow, accept, hire, or contract for services of personnel.

384 (8) To establish and appoint committees including, but not limited to, an executive  
385 committee as required by Subsection 53A-1-1009(5), which shall have the power to act on  
386 behalf of the Interstate Commission in carrying out its powers and duties.

387 (9) To elect or appoint officers, attorneys, employees, agents, or consultants, and to fix  
388 their compensation, define their duties and determine their qualifications, and to establish the  
389 Interstate Commission's personnel policies and programs relating to conflicts of interest, rates  
390 of compensation, and qualifications of personnel.

391 (10) To accept any and all donations and grants of money, equipment, supplies,  
392 materials, and services, and to receive, utilize, and dispose of it.

393 (11) To lease, purchase, accept contributions, or donations of, or otherwise to own,  
394 hold, improve, or use any property - real, personal, or mixed.

395 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
396 of any property - real, personal, or mixed.

397 (13) To establish a budget and make expenditures.

398 (14) To adopt a seal and bylaws governing the management and operation of the  
399 Interstate Commission.

400 (15) To report annually to the legislatures, governors, judiciary, and state councils of  
401 the member states concerning the activities of the Interstate Commission during the preceding  
402 year. The reports shall also include any recommendations that may have been adopted by the  
403 Interstate Commission.

404 (16) To coordinate education, training, and public awareness regarding the compact  
405 and its implementation and operation for officials and parents involved in such activity.

406 (17) To establish uniform standards for the reporting, collecting, and exchanging of  
407 data.

408 (18) To maintain corporate books and records in accordance with the bylaws.

409 (19) To perform any functions necessary or appropriate to achieve the purposes of this  
410 compact.

411 (20) To provide for the uniform collection and sharing of information between and  
412 among member states, schools, and military families under this compact.

413 Section 12. Section **53A-1-1011** is enacted to read:

414 **53A-1-1011. Article XI -- Organization and operation of the Interstate**

415 **Commission -- Executive committee -- Officers -- Personnel.**

416 (1) The Interstate Commission shall, by a majority of the members present and voting,  
417 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its  
418 conduct as necessary or appropriate to carry out the purposes of the compact, including, but not  
419 limited to:

420 (a) establishing the fiscal year of the Interstate Commission;

421 (b) establishing an executive committee, and other committees as necessary;

422 (c) providing for the establishment of committees and for governing any general or  
423 specific delegation of authority or function of the Interstate Commission;

424 (d) providing reasonable procedures for calling and conducting meetings of the  
425 Interstate Commission, and ensuring reasonable notice of each meeting;

426 (e) establishing the titles and responsibilities of the officers and staff of the Interstate  
427 Commission;

428 (f) providing a mechanism for concluding the operations of the Interstate Commission  
429 and the return of surplus funds that may exist upon the termination of the compact after the  
430 payment and reserving of all of its debts and obligations; and

431 (g) providing start up rules for initial administration of the compact.

432 (2) The Interstate Commission shall, by a majority of the members, elect annually from  
433 among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have  
434 the authority and duties specified in the bylaws. The chairperson or, in the chairperson's

435 absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate  
436 Commission. The officers so elected shall serve without compensation or remuneration from  
437 the Interstate Commission; provided that, subject to the availability of budgeted funds, the  
438 officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in  
439 the performance of their responsibilities as officers of the Interstate Commission.

440 (3) The executive committee shall have the authority and duties set forth in the bylaws,  
441 including, but not limited to:

442 (a) managing the affairs of the Interstate Commission in a manner consistent with the  
443 bylaws and purposes of the Interstate Commission;

444 (b) overseeing an organizational structure within, and appropriate procedures for the  
445 Interstate Commission to provide for the creation of rules, operating procedures, and  
446 administrative and technical support functions; and

447 (c) planning, implementing, and coordinating communications and activities with other  
448 state, federal, and local government organizations in order to advance the goals of the Interstate  
449 Commission.

450 (4) The executive committee may, subject to the approval of the Interstate  
451 Commission, appoint or retain an executive director for such period, upon such terms and  
452 conditions and for such compensation, as the Interstate Commission may consider appropriate.  
453 The executive director shall serve as secretary to the Interstate Commission, but may not be a  
454 member of the Interstate Commission. The executive director shall hire and supervise other  
455 persons authorized by the Interstate Commission.

456 (5) The Interstate Commission's executive director and its employees shall be immune  
457 from suit and liability, either personally or in their official capacity, for a claim for damage to  
458 or loss of property or personal injury or other civil liability caused or arising out of or relating  
459 to an actual or alleged act, error, or omission that occurred, or that the person had a reasonable  
460 basis for believing occurred, within the scope of Interstate Commission employment, duties, or  
461 responsibilities; provided that, the person may not be protected from suit or liability for  
462 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of  
463 the person.

464 (a) The liability of the Interstate Commission's executive director and employees or  
465 Interstate Commission representatives, acting within the scope of the person's employment or

466 duties for acts, errors, or omissions occurring within the person's state may not exceed the  
467 limits of liability set forth under the constitution and laws of that state for state officials,  
468 employees, and agents. The Interstate Commission is considered to be an instrumentality of the  
469 states for the purposes of any action. Nothing in this subsection shall be construed to protect a  
470 person from suit or liability for damage, loss, injury, or liability caused by the intentional or  
471 willful and wanton misconduct of the person.

472 (b) The Interstate Commission shall defend the executive director and its employees  
473 and, subject to the approval of the Attorney General or other appropriate legal counsel of the  
474 member state represented by an Interstate Commission representative, shall defend the  
475 Interstate Commission representative in any civil action seeking to impose liability arising out  
476 of an actual or alleged act, error, or omission that occurred within the scope of Interstate  
477 Commission employment, duties, or responsibilities, or that the defendant had a reasonable  
478 basis for believing occurred within the scope of Interstate Commission employment, duties, or  
479 responsibilities; provided that, the actual or alleged act, error, or omission did not result from  
480 intentional or willful and wanton misconduct on the part of the person.

481 (c) To the extent not covered by the state involved, the member state, or the Interstate  
482 Commission, the representatives or employees of the Interstate Commission shall be held  
483 harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained  
484 against a person arising out of an actual or alleged act, error, or omission that occurred within  
485 the scope of Interstate Commission employment, duties, or responsibilities, or that the person  
486 had a reasonable basis for believing occurred within the scope of Interstate Commission  
487 employment, duties, or responsibilities; provided that, the actual or alleged act, error, or  
488 omission did not result from intentional or willful and wanton misconduct on the part of the  
489 person.

490 Section 13. Section **53A-1-1012** is enacted to read:

491 **53A-1-1012. Article XII -- Rulemaking -- Authority -- Procedure -- Review --**  
492 **Rejection by Legislature.**

493 (1) The Interstate Commission shall promulgate reasonable rules in order to effectively  
494 and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the  
495 event the Interstate Commission exercises its rulemaking authority in a manner that is beyond  
496 the scope of the purposes of this compact, or the powers granted in accordance with this

497 compact, then the action by the Interstate Commission shall be invalid and have no force or  
498 effect.

499 (2) Rules shall be made pursuant to a rulemaking process that substantially conforms to  
500 the Model State Administrative Procedure Act, of 1981, Uniform Laws Annotated, Vol. 15, p.1  
501 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

502 (3) Not later than 30 days after a rule is promulgated, any person may file a petition for  
503 judicial review of the rule; provided that, the filing of a petition may not stay or otherwise  
504 prevent the rule from becoming effective unless the court finds that the petitioner has a  
505 substantial likelihood of success. The court shall give deference to the actions of the Interstate  
506 Commission consistent with applicable law and may not find the rule to be unlawful if the rule  
507 represents a reasonable exercise of the Interstate Commission's authority.

508 (4) If a majority of the legislatures of the compacting states rejects a rule by enactment  
509 of a statute or resolution in the same manner used to adopt the compact, then the rule shall have  
510 no further force and effect in any compacting state.

511 Section 14. Section **53A-1-1013** is enacted to read:

512 **53A-1-1013. Article XIII -- Oversight -- Enforcement -- Dispute Resolution --**  
513 **Default -- Technical assistance -- Suspension -- Termination.**

514 (1) Each member state shall enforce this compact to effectuate the compact's purposes  
515 and intent. The provisions of this compact and the rules promulgated in accordance with the  
516 compact shall have standing as a rule promulgated under Title 63G, Chapter 3, Utah  
517 Administrative Rulemaking Act.

518 (2) All courts shall take judicial notice of the compact and the rules in any judicial or  
519 administrative proceeding in a member state pertaining to the subject matter of this compact  
520 which may affect the powers, responsibilities, or actions of the Interstate Commission.

521 (3) The Interstate Commission shall be entitled to receive all service of process in any  
522 proceeding, and have standing to intervene in the proceeding for all purposes. Failure to  
523 provide service of process to the Interstate Commission shall render a judgment or order void  
524 as to the Interstate Commission, this compact, or promulgated rules.

525 (4) If the Interstate Commission determines that a member state has defaulted in the  
526 performance of its obligations or responsibilities under this compact, or the bylaws or  
527 promulgated rules, the Interstate Commission shall:

528           (a) Provide written notice to the defaulting state and other member states, of the nature  
529 of the default, the means of curing the default, and any action taken by the Interstate  
530 Commission. The Interstate Commission shall specify the conditions by which the defaulting  
531 state shall cure its default.

532           (b) Provide remedial training and specific technical assistance regarding the default.

533           (5) If the defaulting state fails to cure the default, the defaulting state shall be  
534 terminated from the compact upon an affirmative vote of a majority of the member states and  
535 all rights, privileges, and benefits conferred by this compact shall be terminated from the  
536 effective date of termination. A cure of the default does not relieve the offending state of  
537 obligations or liabilities incurred during the period of the default.

538           (6) Suspension or termination of membership in the compact shall be imposed only  
539 after all other means of securing compliance have been exhausted. Notice of intent to suspend  
540 or terminate shall be given by the Interstate Commission to the Governor, the majority and  
541 minority leaders of the defaulting state's legislature, and each of the member states.

542           (7) The state which has been suspended or terminated is responsible for all  
543 assessments, obligations, and liabilities incurred through the effective date of suspension or  
544 termination, not to exceed \$5,000 per year, as provided in Subsection 53A-1-1014(5), for each  
545 year that the state is a member of the compact.

546           (8) The Interstate Commission may not bear any costs relating to any state that has  
547 been found to be in default or which has been suspended or terminated from the compact,  
548 unless otherwise mutually agreed upon in writing between the Interstate Commission and the  
549 defaulting state.

550           (9) The defaulting state may appeal the action of the Interstate Commission by  
551 petitioning the U.S. District Court for the District of Columbia or the federal district where the  
552 Interstate Commission has its principal offices. The prevailing party shall be awarded all costs  
553 of the litigation including reasonable attorney fees.

554           (10) The Interstate Commission shall attempt, upon the request of a member state, to  
555 resolve disputes which are subject to the compact and which may arise among member states  
556 and between member and non-member states.

557           (11) The Interstate Commission shall promulgate a rule providing for both mediation  
558 and binding dispute resolution for disputes as appropriate.

559 Section 15. Section **53A-1-1014** is enacted to read:

560 **53A-1-1014. Article XIV -- Financing of the Interstate Commission.**

561 (1) The Interstate Commission shall pay or provide for the payment of the reasonable  
562 expenses of its establishment, organization, and ongoing activities.

563 (2) In accordance with the funding limit established in Subsection (5), the Interstate  
564 Commission may levy and collect an annual assessment from each member state to cover the  
565 cost of the operations and activities of the Interstate Commission and its staff which shall be in  
566 a total amount sufficient to cover the Interstate Commission's annual budget as approved each  
567 year. The aggregate annual assessment amount shall be allocated based upon a formula to be  
568 determined by the Interstate Commission, which shall promulgate a rule binding upon all  
569 member states.

570 (3) The Interstate Commission may not incur obligations of any kind prior to securing  
571 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of  
572 any of the member states, except by and with the authority of the member state.

573 (4) The Interstate Commission shall keep accurate accounts of all receipts and  
574 disbursements. The receipts and disbursements of the Interstate Commission shall be subject to  
575 the audit and accounting procedures established under its bylaws. However, all receipts and  
576 disbursements of funds handled by the Interstate Commission shall be audited yearly by a  
577 certified or licensed public accountant and the report of the audit shall be included in and  
578 become part of the annual report of the Interstate Commission.

579 (5) The Interstate Commission may not assess, levy, or collect more than \$5,000 per  
580 year from Utah legislative appropriations. Other funding sources may be accepted and used to  
581 offset expenses related to the state's participation in the compact.

582 Section 16. Section **53A-1-1015** is enacted to read:

583 **53A-1-1015. Article XV -- Member states -- Effective date -- Amendments.**

584 (1) Any state is eligible to become a member state.

585 (2) The compact shall become effective and binding upon legislative enactment of the  
586 compact into law by no less than 10 of the states. The effective date shall be no earlier than  
587 December 1, 2007. Thereafter it shall become effective and binding as to any other member  
588 state upon enactment of the compact into law by that state. The governors of non-member  
589 states or their designees shall be invited to participate in the activities of the Interstate

590 Commission on a non-voting basis prior to adoption of the compact by all states.

591 (3) The Interstate Commission may propose amendments to the compact for enactment  
592 by the member states. No amendment shall become effective and binding upon the Interstate  
593 Commission and the member states unless and until it is enacted into law by unanimous  
594 consent of the member states.

595 Section 17. Section **53A-1-1016** is enacted to read:

596 **53A-1-1016. Article XVI -- Withdrawal -- Dissolution.**

597 (1) Once effective, the compact shall continue in force and remain binding upon each  
598 and every member state; provided that, a member state may withdraw from the compact by  
599 specifically repealing the statute which enacted the compact into law.

600 (2) Withdrawal from this compact shall be by the enactment of a statute repealing the  
601 same.

602 (3) The withdrawing state shall immediately notify the chairperson of the Interstate  
603 Commission in writing upon the introduction of legislation repealing this compact in the  
604 withdrawing state. The Interstate Commission shall notify the other member states of the  
605 withdrawing state's intent to withdraw within 60 days of its receipt of the notification.

606 (4) The withdrawing state is responsible for all assessments, obligations, and liabilities  
607 incurred through the effective date of withdrawal, not to exceed \$5,000 per year, as provided in  
608 Subsection 53A-1-1014(5), for each year that the state is a member of the compact.

609 (5) Reinstatement following withdrawal of a member state shall occur upon the  
610 withdrawing state reenacting the compact or upon a later date determined by the Interstate  
611 Commission.

612 (6) This compact shall dissolve effective upon the date of the withdrawal or default of  
613 a member state which reduces the membership in the compact to one member state.

614 (7) Upon the dissolution of this compact, the compact becomes null and void and shall  
615 be of no further force or effect. The business and affairs of the Interstate Commission shall be  
616 concluded and surplus funds shall be distributed in accordance with the bylaws.

617 Section 18. Section **53A-1-1017** is enacted to read:

618 **53A-1-1017. Article XVII -- Severability -- Construction.**

619 (1) The provisions of this compact shall be severable, and if any phrase, clause,  
620 sentence, or provision is considered unenforceable, the remaining provisions of the compact

621 shall be enforceable.

622 (2) The provisions of this compact shall be liberally construed to effectuate its  
623 purposes.

624 (3) Nothing in this compact shall be construed to prohibit the applicability of other  
625 interstate compacts to which the states are members.

626 Section 19. Section **53A-1-1018** is enacted to read:

627 **53A-1-1018. Article XVIII -- Binding effect of compact -- Other state laws.**

628 (1) Nothing in this compact prevents the enforcement of any other law of a member  
629 state.

630 (2) All lawful actions of the Interstate Commission, including all rules and bylaws  
631 promulgated by the Interstate Commission, are binding upon the member states.

632 (3) All agreements between the Interstate Commission and the member states are  
633 binding in accordance with their terms.

634 (4) In the event any provision of this compact exceeds the statutory or constitutional  
635 limits imposed on the legislature of any member state, that provision shall be ineffective to the  
636 extent of the conflict with the statutory or constitutional provision in question in that member  
637 state.

638 Section 20. Section **53A-1-1019** is enacted to read:

639 **53A-1-1019. Creation of State Council on Military Children.**

640 (1) There is established a State Council on Military Children, as required in Section  
641 53A-1-1008.

642 (2) The members of the State Council on Military Children shall include:

643 (a) the state superintendent of public instruction;

644 (b) a superintendent of a school district with a high concentration of military children  
645 appointed by the governor;

646 (c) a representative from a military installation, appointed by the governor;

647 (d) one member of the House of Representatives, appointed by the speaker of the  
648 House;

649 (e) one member of the Senate, appointed by the president of the Senate;

650 (f) a representative from the Department of Veterans' and Military Affairs, appointed  
651 by the governor;

652 (g) a military family education liaison, appointed by the members listed in Subsections  
653 (2)(a) through (f);

654 (h) the compact commissioner, appointed in accordance with Section 53A-1-1003; and

655 (i) other members as determined by the governor.

656 (3) The State Council on Military Children shall carry out the duties established in  
657 Section 53A-1-1008.

658 (4) (a) A member who is not a legislator may not receive compensation or per diem.

659 (b) Compensation and expenses of a member who is a legislator are governed by  
660 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

661 Section 21. Section **53A-1-1020** is enacted to read:

662 **53A-1-1020. Appointment of compact commissioner.**

663 The governor, with the consent of the Senate, shall appoint a compact commissioner to  
664 carry out the duties described in this part.

665 Section 22. Section **53A-3-402** is amended to read:

666 **53A-3-402. Powers and duties generally.**

667 (1) Each local school board shall:

668 (a) implement the core standards for Utah public schools utilizing instructional  
669 materials that best correlate to the core standards for Utah public schools and graduation  
670 requirements;

671 (b) administer tests, required by the State Board of Education, which measure the  
672 progress of each student, and coordinate with the state superintendent and State Board of  
673 Education to assess results and create plans to improve the student's progress, which shall be  
674 submitted to the State Board of Education for approval;

675 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
676 students that need remediation and determine the type and amount of federal, state, and local  
677 resources to implement remediation;

678 (d) develop early warning systems for students or classes failing to make progress;

679 (e) work with the State Board of Education to establish a library of documented best  
680 practices, consistent with state and federal regulations, for use by the local districts; and

681 (f) implement training programs for school administrators, including basic  
682 management training, best practices in instructional methods, budget training, staff

683 management, managing for learning results and continuous improvement, and how to help  
684 every child achieve optimal learning in basic academic subjects.

685 (2) Local school boards shall spend minimum school program funds for programs and  
686 activities for which the State Board of Education has established minimum standards or rules  
687 under Section 53A-1-402.

688 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,  
689 and equipment and construct, erect, and furnish school buildings.

690 (b) School sites or buildings may only be conveyed or sold on board resolution  
691 affirmed by at least two-thirds of the members.

692 (4) (a) A board may participate in the joint construction or operation of a school  
693 attended by children residing within the district and children residing in other districts either  
694 within or outside the state.

695 (b) Any agreement for the joint operation or construction of a school shall:

696 (i) be signed by the president of the board of each participating district;

697 (ii) include a mutually agreed upon pro rata cost; and

698 (iii) be filed with the State Board of Education.

699 (5) A board may establish, locate, and maintain elementary, secondary, and applied  
700 technology schools.

701 (6) Except as provided in Section [~~53A-1-1001~~] 53A-1-1004, a board may enroll  
702 children in school who are at least five years of age before September 2 of the year in which  
703 admission is sought.

704 (7) A board may establish and support school libraries.

705 (8) A board may collect damages for the loss, injury, or destruction of school property.

706 (9) A board may authorize guidance and counseling services for children and their  
707 parents or guardians prior to, during, or following enrollment of the children in schools.

708 (10) (a) A board shall administer and implement federal educational programs in  
709 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education  
710 Programs Act.

711 (b) Federal funds are not considered funds within the school district budget under Title  
712 53A, Chapter 19, Public School Budgets.

713 (11) (a) A board may organize school safety patrols and adopt rules under which the

714 patrols promote student safety.

715 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
716 parental consent for the appointment.

717 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
718 of a highway intended for vehicular traffic use.

719 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
720 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
721 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

722 (12) (a) A board may on its own behalf, or on behalf of an educational institution for  
723 which the board is the direct governing body, accept private grants, loans, gifts, endowments,  
724 devises, or bequests that are made for educational purposes.

725 (b) These contributions are not subject to appropriation by the Legislature.

726 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue  
727 citations for violations of Subsection 76-10-105(2).

728 (b) A person may not be appointed to serve as a compliance officer without the  
729 person's consent.

730 (c) A teacher or student may not be appointed as a compliance officer.

731 (14) A board shall adopt bylaws and rules for its own procedures.

732 (15) (a) A board shall make and enforce rules necessary for the control and  
733 management of the district schools.

734 (b) All board rules and policies shall be in writing, filed, and referenced for public  
735 access.

736 (16) A board may hold school on legal holidays other than Sundays.

737 (17) (a) Each board shall establish for each school year a school traffic safety  
738 committee to implement this Subsection (17).

739 (b) The committee shall be composed of one representative of:

740 (i) the schools within the district;

741 (ii) the Parent Teachers' Association of the schools within the district;

742 (iii) the municipality or county;

743 (iv) state or local law enforcement; and

744 (v) state or local traffic safety engineering.

745 (c) The committee shall:

746 (i) receive suggestions from school community councils, parents, teachers, and others  
747 and recommend school traffic safety improvements, boundary changes to enhance safety, and  
748 school traffic safety program measures;

749 (ii) review and submit annually to the Department of Transportation and affected  
750 municipalities and counties a child access routing plan for each elementary, middle, and junior  
751 high school within the district;

752 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
753 provide training to all school children in kindergarten through grade six, within the district, on  
754 school crossing safety and use; and

755 (iv) help ensure the district's compliance with rules made by the Department of  
756 Transportation under Section 41-6a-303.

757 (d) The committee may establish subcommittees as needed to assist in accomplishing  
758 its duties under Subsection (17)(c).

759 (18) (a) Each school board shall adopt and implement a comprehensive emergency  
760 response plan to prevent and combat violence in its public schools, on school grounds, on its  
761 school vehicles, and in connection with school-related activities or events.

762 (b) The plan shall:

763 (i) include prevention, intervention, and response components;

764 (ii) be consistent with the student conduct and discipline policies required for school  
765 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

766 (iii) require inservice training for all district and school building staff on what their  
767 roles are in the emergency response plan;

768 (iv) provide for coordination with local law enforcement and other public safety  
769 representatives in preventing, intervening, and responding to violence in the areas and activities  
770 referred to in Subsection (18)(a); and

771 (v) include procedures to notify a student, to the extent practicable, who is off campus  
772 at the time of a school violence emergency because the student is:

773 (A) participating in a school-related activity; or

774 (B) excused from school for a period of time during the regular school day to  
775 participate in religious instruction at the request of the student's parent or guardian.

776 (c) The State Board of Education, through the state superintendent of public  
777 instruction, shall develop comprehensive emergency response plan models that local school  
778 boards may use, where appropriate, to comply with Subsection (18)(a).

779 (d) Each local school board shall, by July 1 of each year, certify to the State Board of  
780 Education that its plan has been practiced at the school level and presented to and reviewed by  
781 its teachers, administrators, students, and their parents and local law enforcement and public  
782 safety representatives.

783 (19) (a) Each local school board may adopt an emergency response plan for the  
784 treatment of sports-related injuries that occur during school sports practices and events.

785 (b) The plan may be implemented by each secondary school in the district that has a  
786 sports program for students.

787 (c) The plan may:

788 (i) include emergency personnel, emergency communication, and emergency  
789 equipment components;

790 (ii) require inservice training on the emergency response plan for school personnel who  
791 are involved in sports programs in the district's secondary schools; and

792 (iii) provide for coordination with individuals and agency representatives who:

793 (A) are not employees of the school district; and

794 (B) would be involved in providing emergency services to students injured while  
795 participating in sports events.

796 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may  
797 review the plan each year and make revisions when required to improve or enhance the plan.

798 (e) The State Board of Education, through the state superintendent of public  
799 instruction, shall provide local school boards with an emergency plan response model that local  
800 boards may use to comply with the requirements of this Subsection (19).

801 (20) A board shall do all other things necessary for the maintenance, prosperity, and  
802 success of the schools and the promotion of education.

803 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

804 (i) hold a public hearing, as defined in Section 10-9a-103; and

805 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

806 (b) The notice of a public hearing required under Subsection (21)(a) shall:

807 (i) indicate the:  
808 (A) school or schools under consideration for closure or boundary change; and  
809 (B) date, time, and location of the public hearing; and  
810 (ii) at least 10 days prior to the public hearing, be:  
811 (A) published:  
812 (I) in a newspaper of general circulation in the area; and  
813 (II) on the Utah Public Notice Website created in Section 63F-1-701; and  
814 (B) posted in at least three public locations within the municipality or on the district's  
815 official website.

816 (22) A board may implement a facility energy efficiency program established under  
817 Title 11, Chapter 44, Performance Efficiency Act.

818 Section 23. Section **53A-11-302** is amended to read:

819 **53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption**  
820 **from required immunizations.**

821 (1) A student may not enter school without a certificate of immunization, except as  
822 provided in this section.

823 (2) Except as provided in Section [~~53A-1-1001~~] 53A-1-1004, a student who at the time  
824 of school enrollment has not been completely immunized against each specified disease may  
825 attend school under a conditional enrollment if the student has received one dose of each  
826 specified vaccine prior to enrollment.

827 (3) A student is exempt from receiving the required immunizations if there is presented  
828 to the appropriate official of the school one or more of the following:

829 (a) a certificate from a licensed physician stating that due to the physical condition of  
830 the student one or more specified immunizations would endanger the student's life or health;

831 (b) A completed form obtained at the local health department where the student  
832 resides, providing:

833 (i) the information required under Subsection 53A-11-302.5(1); and

834 (ii) a statement that the person has a personal belief opposed to immunizations, which  
835 is signed by one of the individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the  
836 local health officer or his designee; or

837 (c) a statement that the person is a bona fide member of a specified, recognized

838 religious organization whose teachings are contrary to immunizations, signed by one of the  
839 following persons:

- 840 (i) one of the student's parents;
- 841 (ii) the student's guardian;
- 842 (iii) a legal age brother or sister of a student who has no parent or guardian; or
- 843 (iv) the student, if of legal age.

844 Section 24. Section **53A-11-504** is amended to read:

845 **53A-11-504. Requirement of school record for transfer of student -- Procedures.**

846 (1) Except as provided in Section [~~53A-1-1001~~] 53A-1-1004, a school shall request a  
847 certified copy of a transfer student's record, directly from the transfer student's previous school,  
848 within 14 days after enrolling the transfer student.

849 (2) (a) Except as provided in Subsection (2)(b) and Section [~~53A-1-1001~~] 53A-1-1004,  
850 a school requested to forward a certified copy of a transferring student's record to the new  
851 school shall comply within 30 school days of the request.

852 (b) If the record has been flagged pursuant to Section 53A-11-502, a school may not  
853 forward the record to the new school and the requested school shall notify the division of the  
854 request.